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Hungary, with instructions to save as many Hungarian Jews as possible from Nazi death camps. Wallenberg undertook his mission with a determination and unflinching courage that astounded his Nazi enemies. Openly defying death threats and continual harassment by the Nazis, Raoul Wallenberg stood on train platforms and handed out neutral Swedish passports to thousands of Jews who were destined for Auschwitz and Buchenwald.

Wallenberg protected at least 13,000 Hungarian Jews in safe houses he rented that flew the Swedish flag. He pulled countless numbers of men, women, and children out of "death marches" to concentration camps on the Austrian border. Wallenberg is credited with saving the lives of 90,000 Hungarian Jews. Even more importantly, he is remembered by those whom he rescued as an angel of hope who bestowed a renewed sense of human mercy and compassion in a depraved atmosphere.

On January 17, 1945, Wallenberg accompanied two Russian officers to Debrecen, Hungary, where Soviet staff headquarters were located during the Russian siege of Hungary. Wallenberg was never heard from again. It is ironic that his disappearance was not at the hands of his traditional foes, and the rationale for his possible abduction by the Soviets is still unclear.

In August of 1947, the Soviet Government stated that Wallenberg was "not known in the Soviet Union," but in 1957 the Soviet released records that showed that a prisoner at Lubyanka prison named "Walenberg" died of a heart attack on July 17, 1947. To confuse the issue even further, reports from former Russian prisoners, including Aleksandr Solzhenitsyn and Jan Kaplan, continue to appear that indicate that Wallenberg may still be alive and imprisoned in the Soviet Union.

House Concurrent Resolution 434 honors Raoul Wallenberg for his unparalleled humanitarian work. The resolution requests that the State Department act to try to gather information on Wallenberg's whereabouts and secure his release if he is still alive. Most importantly, the bill urges the U.S. delegation to the Madrid Conference on Security and Cooperation in Europe to request that the case of Raoul Wallenberg be raised at the Madrid Conference meeting in November.

The possible internment of Wallenberg is in direct contravention to the principles of the Helsinki Final Act. The world has a right to know Raoul Wallenberg's fate and the Soviet Union has a responsibility as a signatory of the Helsinki accords to cooperate in an investigation into the Wallenberg case.

If Raoul Wallenberg were here today he might be a bit embarrassed at all the attention he would be receiving. But Raoul Wallenberg is deserving of limitless praise for his selfless and courageous actions. Unlike many others who preferred to remain indifferent in the face of the unspeakable horrors of the holocaust, Raoul Wallenberg refused to ignore the perverted evil of the Nazi regime. He acted, and we can do no less

on his behalf. I would urge my colleagues to give their support to House Concurrent Resolution 434 and to the effort to solve the mystery of the "lost hero of the Holocaust." ●

Mr. DERWINSKI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

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Whereas in January 1944 the War Refugee Board was established by the United States to organize rescue operations to free persons being persecuted during World War II;

Whereas the War Refugee Board requested Sweden to send a representative to Hungary;

Whereas the Swedish representative, Raoul Wallenberg, is considered responsible for having saved the lives of twenty thousand Jewish citizens in Hungary through the issuance of protective Swedish passports being in July 1944;

Whereas Raoul Wallenberg is recognized as saving indirectly the lives of an additional seventy thousand Jewish citizens in Hungary through collaborative efforts in the latter half of 1944 with neutralist representatives in Budapest and the Jewish Community in Hungary;

Whereas Raoul Wallenberg was taken into Soviet "protective custody" on January 13, 1945, in violation of international standards of diplomatic immunity;

Whereas Soviet officials originally denied having custody of Wallenberg, but subsequently stated that a prisoner named "Wallenberg" died in a Soviet prison on July 17, 1947;

Whereas in 1949 he was nominated by Albert Einstein for the Nobel Peace Prize.

Whereas reports from the Soviet Union, as recent as May 1, 1978, suggest that Raoul Wallenberg is alive;

Whereas the continued internment of Wallenberg, if indeed he is still alive, is in direct contravention of the Final Act of the Helsinki Conference on Security and Cooperation in Europe which requires signatories to "fulfill in good faith their obligations under international law"; and

Whereas the Madrid Conference on Security and Cooperation in Europe, to be held on November 11, 1980, provides an occasion to discuss the status of Raoul Wallenberg with the Soviet Government as part of the review of the Helsinki Final Act;

Whereas documents released by the Swedish Foreign Ministry in January 1980 indicate diplomatic efforts by the Swedish Government have not fully clarified the status of Raoul Wallenberg: Now, therefore, be it

*Resolved by the House of Representatives (The Senate concurring).* That, the Congress honors Raoul Wallenberg for his outstanding work on behalf of those persecuted in Hungary during World War II, and it is the sense of Congress that the United States delegation to the review meeting of the Conference on Security and Cooperation in Europe which will be held in Madrid in November 1980 should urge that the case of Raoul Wallenberg be considered at that meeting by the signatory countries to the Final Act of the Helsinki Conference on Security and Cooperation in Europe.

It is further resolved that the Congress requests the Department of State to take all possible steps to discern from the Soviet Union the whereabouts of Raoul Wallenberg and, if he is alive, to secure his return to his native country.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 434.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### MILITARY PERSONNEL AND CIVILIAN EMPLOYEE CLAIMS ACT

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6086 to provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, after line 2, insert:

#### SHORT TITLE

SECTION 1. This Act may be cited as the "Military Personnel and Civilian Employees' Claims and Hostage Relief Act of 1980".

TITLE I—MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS AMENDMENT TO THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

Page 1, line 3, strike out "that the" and insert "Sec. 101. The".

Page 4, line 3, strike out "Sec. 2" and insert "Sec. 102".

Page 4, after line 9, insert:

Sec. 103. Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 67, as amended; 31 U.S.C. 241), is amended as follows:

(1) by striking out "\$15,000" in subsection (a)(1) and inserting in place thereof "\$25,000";

(2) by striking out "\$15,000" in subsection (b)(1) and inserting in place thereof "\$25,000".

Sec. 104. The amendments provided in section 103 of this act shall apply to claims based upon damage to, or loss of, personal property which occurs after the date of the enactment.

Page 4, after line 9, insert:

TITLE II—SPECIAL PERSONNEL BENEFITS

#### DEFINITIONS

Sec. 201. For purposes of this title—

(1) The term "American hostage" means any individual who, while—

(A) in the civil service or the uniformed services of the United States, or

(B) a citizen or resident alien of the United States rendering personal service to the United States abroad similar to the service of a civil officer or employee of the United States (as determined by the Secretary of State),

is placed in a captive status during the hostage period.

(2) The term "hostage period" means the period beginning on November 4, 1979, and ending on the later of—

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this hero of the holocaust violated international standards of diplomatic immunity. Passage of House Concurrent Resolution 434 will make clear the Congress strong desire that this vital concern be pursued at Madrid.

The House has now passed the Holocaust Memorial Act (H.R. 8081), which authorized the existing Holocaust Memorial Council to establish a museum on the holocaust and to begin annual commemoration of "Days of Remembrance." These actions will help us remember the holocaust in years ahead, giving further reason to hope that we will not ever allow its repetition.

This resolution under consideration today is another way to underscore our commitment to that goal. Raoul Wallenberg set a magnificent example. In the face of tremendous odds, he defied the tyrannical power of the Nazi terror, in order to save the lives of those marked to be the victims of Hitler's genocide. In honoring him we may achieve even more. We may begin the process by which, if alive, this hero is finally released to live in freedom again.

The State Department has already shown some interest in pursuing this matter. Passage of House Concurrent Resolution 434 will put the Department on formal notice that Congress is deeply concerned about this vital matter. Let us show that we will not rest until concrete information is known, and Wallenberg is either free, or can be laid to rest in the memories of his countrymen and all those in the world, Jews and non-Jews, who are inspired by his example.

Before I take my seat, Mr. Speaker, I want to thank and commend my distinguished colleague from Washington, DON BONKER, whose efforts have been pivotal in bringing this legislation to the floor today. Under his leadership, and that of the ranking minority member on his Subcommittee on International Organization, EDWARD DERWINSKI, my resolution was melded with that of the distinguished gentleman from Connecticut, CHRISTOPHER DODD, to produce what we are now prepared to consider. Similarly, I want to express my deep appreciation to the distinguished chairman of the Foreign Affairs Committee, Mr. ZABLOCKI, the distinguished ranking minority member, Mr. BROOMFIELD, all the members of that committee and the more than 60 House Members who have cosponsored the resolution.

A resolution with the same language as House Concurrent Resolution 434 has been sponsored in the Senate by Senators RUBY BOSCHWITZ and DANIEL PATRICK MOYNIHAN. There is good reason to believe that it will gain swift passage in that body, too.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. Mr. Speaker, I yield to the gentleman from Washington (Mr. BONKER), the distinguished chairman of the Subcommittee of the International Relations Committee.

(Mr. BONKER asked and was given permission to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, I want to

thank the gentleman and would like to commend him for his support of this legislation, as well as the gentleman from New York (Mr. WEISS) and also the gentleman from Connecticut (Mr. DODD), both of whom sponsored similar resolutions.

Mr. Speaker, I urge my distinguished colleagues to wholeheartedly support House Concurrent Resolution 434, which we considered and passed out of the Subcommittee on International Organizations and the Foreign Affairs Committee.

This concurrent resolution honors Raoul Wallenberg.

It further expresses the sense of Congress that the U.S. delegation to the Madrid Conference on Security and Cooperation in Europe urge consideration of the case of Raoul Wallenberg at that meeting.

It also requests that the Department of State take all possible action to obtain information concerning his present status and assure his release.

Last October at one of the International Organizations subcommittee hearings on the phenomenon of disappearances as a violation of human rights, I discussed the issue of Raoul Wallenberg.

He was a Swedish diplomat who went to Budapest in 1944 with the hope of helping Hungary's 700,000 Jews that were being deported by the Nazis to extermination camps.

He is credited with having saved close to 100,000 lives.

His disappearance in January 1945 after the Russians had captured Budapest is one of the oldest cases of the phenomenon of disappearances.

At that hearing I asked where is Raoul Wallenberg? What has happened to him? Why is it a crime to have saved tens of thousands of lives?

One who perhaps can solve this mystery is a Soviet dissident by the name of Jan Kaplan.

He was imprisoned in 1975 and after his release 18 months later he told his daughter—a doctor in Israel—that he had met a Swede who had been in prison for 30 years.

In order to silence him, and because of his activities on behalf of Raoul Wallenberg, Mr. Kaplan was reimprisoned.

By focusing world public attention on the cases of Raoul Wallenberg and Jan Kaplan we may be able to resolve this tragedy.

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I rise in support of the resolution. Mr. BONKER, chairman of the Subcommittee on International Organizations, and I have cooperated on the Raoul Wallenberg matter. We have done what we could to bring the facts about Raoul Wallenberg to the attention of the Members and of the public.

This is a particularly emotional case. Raoul Wallenberg, at great risk to his own life, had worked tirelessly to save upwards of 90,000 Jews from the maw of the Nazi "final solution." He was a bigger-than-life hero to them and, when his exploits became more widely known,

to much of the rest of the world. The conquering Red Army, instead of treating him as the towering human being he was, took him into "protective custody" and little has been heard of him since.

Enough leads have emerged from the "muffled zone," nonetheless, to make us believe he may, incredible as it may sound, be still alive. If he is, we must do whatever we can to save Raoul Wallenberg from final martyrdom in the Soviet gulag. In any case, we must try to find out whatever we can about him. We owe it to this great humanitarian figure, to those tens of thousands of persons who survived because of him, and to ourselves.

Mr. Speaker, I cosponsored the resolution of Mr. WEISS and Mr. DODD, and I ask my colleagues for their votes.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the distinguished young gentleman from California (Mr. DORNAN).

(Mr. DORNAN asked and was given permission to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I thank my distinguished, equally young, at heart, colleague from Illinois for the opportunity to add just one aspect to the unbelievable tragedy of the Wallenberg case.

There is a general, Jan Kaplaň, also released from the dungeons of Siberia who, on an international phone hookup to his daughter in Israel, mentioned, he only mentioned that he had seen Wallenberg alive in prison in 1975. For this he was obviously rearrested and for over a year and one-half has been back somewhere in the Gulag Prison system. The prison where he said he saw Mr. Wallenberg alive in 1975 was Butyrka in the Soviet Union. I hope we can have hearings on this, if not during the rump session, early next year.

I again thank my distinguished colleague for yielding.

● Mr. BROOMFIELD. Mr. Speaker, the purpose behind this measure is to contribute to the deliverance of Raoul Wallenberg from the Soviet gulag where he has languished for 35 years. A hero of the holocaust in saving tens of thousands of Hungarian Jews, he himself was in effect swallowed up by it.

I join my colleagues, Mr. DERWINSKI, ranking minority member of the Subcommittee on International Organizations, and the chairman of the subcommittee, Mr. BONKER, and Mr. WEISS, in support of this resolution to do what we can to try to save Raoul Wallenberg. ●

● Mr. DODD. Mr. Speaker, Mr. WEISS and I have combined our two bills concerning Raoul Wallenberg into the bill the House is considering today, House Concurrent Resolution 434. The bill has close to 100 cosponsors and Senators MOYNIHAN and BOSCHWITZ have introduced companion legislation in the Senate.

The case of Raoul Wallenberg is an unusual one. In 1944, the American War Refugee Board with the cooperation of the Swedish Government sent Swedish diplomat Raoul Wallenberg to Budapest,

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(A) the date the President specifies, by Executive order, as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, or (B) January 1, 1983.

(3) The term "family member", when used with respect to any American hostage, means—

(A) any dependent (as defined in section 5561 of title 5, United States Code) of such hostage; and

(B) any member of the hostage's family or household (as determined under regulations which the Secretary of State shall prescribe)—

(4) The term "captive status" means a missing status arising because of a hostile action abroad—

(A) which is directed against the United States during the hostage period; and

(B) which is identified by the Secretary of State in the Federal Register.

(5) The term "missing status"—

(A) in the case of employees, has the meaning given it in section 5561(5) of title 5, United States Code;

(B) in the case of members of the uniformed services, has the meaning given it in section 551(2) of title 37, United States Code; and

(C) in the case of other individuals, has a similar meaning as that provided under such sections, as determined by the Secretary of State.

(6) The terms "pay and allowances", "employee", and "agency" have the meanings given to such terms in section 5561 of title 5, United States Code, and the terms "civil service", "uniformed services", and "armed forces" have the meanings given to such terms in section 2131 of such title 5.

#### PAY AND ALLOWANCES MAY BE ALLOCATED TO SPECIAL SAVINGS FUND

SEC. 202. (a) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any American hostage which are for pay periods during which the American hostage is in a captive status and which are not subject to an allotment under section 5563 of title 5, United States Code, under section 553 of title 37, United States Code, or under any other provision of law.

(b) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

(c) Amounts may be allotted to the savings fund from pay and allowances for any pay period ending after November 4, 1979, and before the establishment of the savings fund. Interest on amounts allotted from the pay and allowances for any such pay period shall be calculated as if the allotment had occurred at the end of the pay period.

(d) Amounts in the savings fund credited to any American hostage shall be considered as pay and allowances for purposes of section 5563 of title 5, United States Code, (or in the case of a member of the uniformed services, for purposes of section 553 of title 37, United States Code) and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

#### MEDICAL AND HEALTH CARE AND RELATED EXPENSES

SEC. 203. Under regulations prescribed by the President, the head of an agency may pay (by advancement or reimbursement) any individual who is an American hostage, or any family member of such an individual, for medical and health care, and other ex-

penses related to such care, to the extent such care—

(1) is incident to that individual being an American hostage; and

(2) is not covered by insurance.

#### EDUCATION AND TRAINING

SEC. 204. (a) (1) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Except as provided in paragraph (3), payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs—

(A) after the nineteenth day after the date the individual is placed in a captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 12-week period following that date.

In order to respond to special circumstances, the President may specify a date for purposes of cessation of assistance under subparagraph (B) which is later than the date which would otherwise apply under subparagraph (B).

(3) In the event an American hostage dies and the death is incident to that individual being an American hostage, payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs after the date of death.

(4) The preceding provisions of this subsection shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38, United States Code.

(b) (1) In order to respond to special circumstances, the head of an agency may, under regulations prescribed by the President, pay (by advancement or reimbursement) an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Payments shall be available under this subsection for an American hostage for education or training which occurs—

(A) after the termination of such hostage's captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 12-week period following that date.

(c) Assistance under this section shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38, United States Code.

(d) In no event may assistance be provided under this section for any individual for a period in excess of 45 months (or the equivalent thereof in part-time education or training).

(e) Regulations prescribed by the President under this section shall provide that the program under this section be consistent with the assistance program under chapters 35 and 36 of title 38, United States Code.

#### SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

SEC. 205. (a) Under regulations prescribed by the President, an American hostage is entitled to the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.), including the benefits provided by section 701 (50 U.S.C. App. 591) but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 (50 U.S.C. App. 514, 515, 516, 540 through 548, 561 through 572, and 574).

(b) In applying such Act for purposes of this section—

(1) the term "person in the military service" is deemed to include any such American hostage;

(2) the term "period of military service" is deemed to include the period during which such American hostage is in a captive status; and

(3) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed to be references to the Secretary of State.

(c) The preceding provisions of this section shall not apply with respect to any American hostage covered by such provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 by reason of being in the armed forces.

#### APPLICABILITY TO COLOMBIAN HOSTAGE

SEC. 226. Notwithstanding the requirements of section 201(1), for purposes of this title, Richard Starr of Edmonds, Washington, who, as a Peace Corps volunteer, was held captive in Colombia and released on or about February 10, 1980, shall be held and considered to be an American hostage placed in a captive status on November 4, 1979.

#### EFFECTIVE DATE

SEC. 207. The preceding provisions of this title shall take effect as of November 4, 1979.

#### TITLE III—TREATMENT OF THE HOSTAGES IN IRAN

##### VISITS BY THE INTERNATIONAL RED CROSS

SEC. 301. (a) The Congress finds that—

(1) the continued illegal and unjustified detention of the American hostages by the Government of Iran has resulted in the deterioration of relations between the United States and Iran; and

(2) the protracted length and the conditions of their confinement have reportedly endangered the physical and mental well-being of the hostages.

(b) Therefore, it is the sense of the Congress that the President should make a formal request of the International Committee of the Red Cross to—

(1) make regular and periodic visits to the American hostages being held in Iran for the purpose of determining whether the hostages are being treated in a humane and decent manner and whether they are receiving proper medical attention;

(2) urge other countries to solicit the cooperation of the Government of Iran in the visits to the hostages by the International Committee of the Red Cross; and

(3) report to the United States its findings after each such visit.

Amend the title so as to read: "An Act to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of per-

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sonnel from a foreign country and to provide certain benefits to the American hostages in Iran and to similarly situated individuals."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, did the gentleman find out what the provision was relating to the Internal Revenue Code?

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman.

Mr. DANIELSON. My chief staff counsel went over the matter with the gentleman from Maryland (Mr. BAUMAN) and pointed out the nature of the Senate amendments which, as I said before, are redundant and they complicate the passage of the bill. As I understand it, the gentleman from Maryland has very graciously said that he does not object.

Mr. ROUSSELOT. Further reserving the right to object, then you are really only disagreeing with those certain amendments?

Mr. DANIELSON. We are just disagreeing. That is all.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Maryland.

Mr. BAUMAN. I want the record to show that the gentleman from California was even more gracious than the gentleman from Maryland in explaining them.

Mr. DANIELSON. I thank the gentleman for whatever he said.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I rise for the purpose of inquiring of the distinguished acting majority leader the program when we return, if that is possible, and a little bit of advanced intelligence on the schedule as it will unfold during the lameduck session.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield.

Mr. ROSTENKOWSKI. To the best of my knowledge the program as scheduled for the week of November 10 is that the House will meet, will reconvene and resume its sitting on the 12th of November. Monday and Tuesday, November 10 and 11, the House will not be in session. The House will meet at noon on Wednesday and at 10 a.m. on Thursday and Friday for the consideration of the following legislation:

H.R. 7854, the Foreign Assistance Appropriation Act for fiscal 1981;

S. 885, the Pacific Northwest Electric Power Planning and Conservation Act,

and we expect to complete consideration on that bill;

H.R. 7112, State and local fiscal assistance amendments, with an open rule, 2 hours of debate. The rule having already been adopted;

H.R. 6417, the Surface Transportation Act of 1980, with an open rule, 1 hour of debate;

H.R. 5615, the Intelligence Identities Protection Act, open rule, 1 hour of debate;

The conference report on H.R. 7765, the Budget Reconciliation Act; and

H.R. 6915, revision of the Federal Criminal Code, subject to a rule being granted.

The House will adjourn at 3 p.m. on Friday. Adjournments on other days will be announced later and, of course, conference reports may be brought up at any time.

Any further program will be announced later.

Mr. MICHEL. Might I inquire, then, if it is the intention of the leadership to have the House in session for the week of Thanksgiving?

Mr. ROSTENKOWSKI. It is the intention at this time for the House to adjourn for the week or the period of time during Thanksgiving, but that has not yet been placed in cement with respect to the date. But it is our intention.

Mr. MICHEL. Then the first week in December, as I understand it from the House Administration Committee, will be an opportunity for the newly elected Members on both sides of the aisle, hopefully more on our side than the gentleman's, to get acquainted?

Mr. ROSTENKOWSKI. I am informed there is somewhat of a schedule tentatively agreed where the House will return on Wednesday, November 12 and will meet Thursday, November 13 and Friday, November 14, and the following week, including Friday, November 21. We will have no legislative business for all of Thanksgiving week, Monday the 24th through and including Friday, November 28.

We will return on Monday, December 1, until completion of the conference report on the second budget reconciliation. Members are reminded that the organizational caucus of the 97th Congress will be held the week of December 8.

The 97th Congress will convene on Monday, January 5. We must count the electoral votes on January 6. We would probably recess until the week of the inauguration, which would be the week of January 20.

That is tentatively the schedule as I understand it.

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Mr. MICHEL. I thank the gentleman very much for that advance information.

Mr. BAUMAN. Will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding. I did not notice any comment from the gentleman from Illinois (Mr. ROSTENKOWSKI) on the period from roughly St. Swithin's Day to New Year's

Day, or whatever the feast days are, but is the gentleman telling us that we are going to be in right through Christmas, jingle bells and all?

Mr. ROSTENKOWSKI. If the gentleman from Illinois (Mr. MICHEL) will yield, I do not think that is the intention of the leadership. I think we will be adjourning sometime after Thanksgiving.

Mr. BAUMAN. So we might adjourn early in December?

Mr. ROSTENKOWSKI. I would hope we would adjourn in late November.

Mr. BAUMAN. I would just remind again the gentleman of the admonition that whenever the House is in session, the American people may be in danger, so perhaps he could consider that.

Mr. MICHEL. I would underscore again with the Members that in the second week in December, on the 8th and 9th when both parties will have their organizational caucuses and conferences for the new Congress, any planned trips abroad or whatnot would find Members missing on those two very significant dates if they were gone.

#### AUTHORIZING THE CLERK TO RECEIVE MESSAGES AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS, NOTWITHSTANDING ADJOURNMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, November 12, 1980, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore (Mr. DANIELSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, November 12, 1980, the Speaker be authorized to accept resignations, and to appoint commissions, boards and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, NOVEMBER 12, 1980

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, November 12, 1980, may be dispensed with.

The SPEAKER pro tempore. Is there

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tion of excess supplies following the Soviet trade suspension—would be used to stock the reserve initially. The authority to replenish the stocks of the reserve would expire September 30, 1985.

The reserve may be replenished by either the transfer of wheat from CCC stocks or by purchases from producers or in the market. Whenever wheat is acquired through purchases from producers or in the market to replenish the reserve, funds to do so must be authorized in appropriation acts.

The food security wheat reserve would be used to meet famine or other urgent or extraordinary relief requirements during periods of tight supplies and high prices when commodities would not otherwise be available under the provisions of Public Law 480.

This provision will serve two purposes. First, it will assure that wheat, most of which was intended for export to Russia, does not reenter commercial markets, weakening the price of wheat. Second, this provision will respond to a request made by the administration in May 1979, that Congress provide the President statutory authority to establish such a reserve.

The administration has favored establishing the food security reserve for several reasons. It would help guarantee that the United States would be able to meet priority food assistance needs of developing countries in years of short supply. This would help prevent a recurrence of actions similar to those between 1973 and 1975 when Public Law 480 wheat shipments to poorer countries were sharply reduced. Yet at that time, poorer countries were in particular need, being unable to compete for limited grain supplies in high priced world markets.

The United States would use the wheat in the food security reserve only for Public Law 480 functions and then only when adequate amounts of wheat are not available in commercial markets, as determined by criteria spelled out in Public Law 480. This would isolate the food security reserve from the marketplace and prevent the stored wheat from depressing commercial grain prices.

Also, replenishment of the food security reserve will create additional demand for domestically produced wheat.

A portion of the reserve—up to \$300,000 metric tons—could be released from the reserve in any fiscal year for use under title II of Public Law 480, even if there is no short supply finding, to meet urgent humanitarian relief requirements resulting from major disasters. However, this authority could be used only when wheat could not otherwise be timely provided under normal means of obtaining commodities for food assistance due to unanticipated and exceptional need. It is intended that, whenever wheat is released from the reserve to be used for such purpose, the reserve be promptly replenished. It is expected that Congress would appropriate the necessary funds promptly to the extent purchases were necessary for replenishment of the reserve.

Mr. Speaker, I have reviewed in some

detail the major provisions of titles II and III of the amendment. I want to emphasize that they are similar to H.R. 6635, the food security act of 1980, a bill which was reported earlier by both the House Committees on Foreign Affairs and Agriculture, and H.R. 7264, a bill amending the producer storage program for wheat and feed grains.

The new titles are also very similar to the major provisions of an amendment that the Senate adopted July 25, 1980, as title IV of H.R. 7664, the child nutrition amendments of 1980.

The Committee of Conference on H.R. 7664 has not completed its work on all aspects of that legislation, and I do not expect that we will be able to finish the task until after the recess. However, the conferees have reached agreement on title IV of H.R. 7664. Titles II and III of the pending amendment basically embody the agreements reached by the Committee of Conference on that title. The provisions are vital to the welfare of the Nations farmers, and they should be enacted promptly.

#### REQUEST TO APPOINT CONFEREES ON S. 1615, AN ACT FOR THE RELIEF OF JAMES R. THORNWELL

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1615) an Act for the relief of James R. Thornwell with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman tell us what the amendment is?

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from California.

Mr. DANIELSON. There is a difference in the dollar figure about 100 percent difference between the two Houses. We have to get together to work on it.

Mr. ROUSSELOT. Further reserving the right to object, can the gentleman tell us what the difference is?

Mr. DANIELSON. Yes. The Senate figure is \$1 million. The House figure is, I believe, \$250,000.

Mr. ROUSSELOT. The subject again?

Mr. DANIELSON. For the relief of James R. Thornwell.

Mr. ROUSSELOT. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

#### REQUEST TO CONSIDER SENATE AMENDMENTS TO H.R. 6086, MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6086) to

provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, if it is as complicated as it sounds, maybe the gentleman ought to explain.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from California.

Mr. DANIELSON. Mr. Speaker, it is not complicated. In the other body amendments were attached to the House bill which incorporated language which has already passed both the House and the Senate in a different bill. The amendments would make a redundant addition to this bill and complicate the passage, which has already been taken care of in this House.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Maryland.

Mr. BAUMAN. That is all very interesting, but what does it do?

Mr. DANIELSON. The House bill is the bill that provides relief to the American Foreign Service and military personnel who were evacuated from Iran in January 1979 at the time of the recent takeover of the Government of Iran.

Mr. BAUMAN. The amendment does what?

Mr. DANIELSON. The amendment appends several other things to that bill.

Mr. BAUMAN. Such as what?

Mr. DANIELSON. Amendments to the Internal Revenue Code.

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

#### MATERIALS POLICY, RESEARCH, AND DEVELOPMENT ACT OF 1979

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2743) to provide for a national policy for materials research and development and to strengthen the materials research and development capability and performance of the United States, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "National Materials and Minerals Policy, Research and Development Act of 1980".

#### FINDINGS

SEC. 2. (a) The Congress finds that—



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(1) the availability of materials is essential for national security, economic well-being, and industrial production;

(2) the availability of materials is affected by the stability of foreign sources of essential industrial materials, instability of materials markets, international competition and demand for materials, the need for energy and materials conservation, and the enhancement of environmental quality;

(3) extraction, production, processing, use, recycling, and disposal of materials are closely linked with national concerns for energy and the environment;

(4) the United States is strongly interdependent with other nations through international trade in materials and other products;

(5) technological innovation and research and development are important factors which contribute to the availability and use of materials;

(6) the United States lacks a coherent national materials policy and a coordinated program to assure the availability of materials critical for national economic well-being, national defense, and industrial production, including interstate commerce and foreign trade; and

(7) notwithstanding the enactment of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the United States does not have a coherent national materials and minerals policy.

(b) As used in this Act, the term "materials" means substances, including minerals, of current or potential use that will be needed to supply the industrial, military and essential civilian needs of the United States in the production of goods or services, including those which are primarily imported or for which there is a prospect of shortages or uncertain supply, or which present opportunities in terms of new physical properties, use, recycling, disposal or substitution, with the exclusion of food and of energy fuels used as such.

## DECLARATION OF POLICY

SEC. 3. The Congress declares that it is the continuing policy of the United States to promote an adequate and stable supply of materials necessary to maintain national security, economic well-being and industrial production with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs. The Congress further declares that implementation of this policy requires that the President shall, through the Executive Office of the President, coordinate the responsible departments and agencies to, among other measures—

(1) identify materials needs and assist in the pursuit of measures that would assure the availability of materials critical to commerce, the economy, and national security;

(2) establish a mechanism for the coordination and evaluation of Federal materials programs, including those involving research and development so as to complement related efforts by the private sector as well as other domestic and international agencies and organizations;

(3) establish a long-range assessment capability concerning materials demands, supply and needs, and provide for the policies and programs necessary to meet those needs;

(4) promote a vigorous, comprehensive, and coordinated program of materials research and development consistent with the policies and priorities set forth in the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.);

(5) promote cooperative research and development programs with other nations for the equitable and frugal use of materials and energy;

(6) promote and encourage private enterprise in the development of economically sound and stable domestic materials industries; and

(7) encourage Federal agencies to facilitate availability and development of domestic resources to meet critical materials needs.

## IMPLEMENTATION OF POLICY

SEC. 4. For the purpose of implementing the policies set forth in section 3 and the provisions of section 5 of this Act, the Congress declares that the President shall, through the Executive Office of the President, coordinate the responsible departments and agencies, and shall—

(1) direct that the responsible departments and agencies identify, assist, and make recommendations for carrying out appropriate policies and programs to ensure adequate, stable, and economical materials supplies essential to national security, economic well-being, and industrial production;

(2) support basic and applied research and development to provide for, among other objectives—

(A) advanced science and technology for the exploration, discovery, and recovery of nonfuel materials;

(B) enhanced methods or processes for the more efficient production and use of renewable and nonrenewable resources;

(C) improved methods for the extraction, processing, use, recovery, and recycling of materials which encourage the conservation of materials, energy, and the environment; and

(D) improved understanding of current and new materials performance, processing, substitution, and adaptability in engineering designs;

(3) provide for improved collection, analysis, and dissemination of scientific, technical and economic materials information and data from Federal, State, and local governments and other sources as appropriate;

(4) assess the need for and make recommendations concerning the availability and adequacy of supply of technically trained personnel necessary for materials research, development, extraction, harvest and industrial practice, paying particular regard to the problem of attracting and maintaining high quality materials professionals in the Federal service.

(5) establish early warning systems for materials supply problems;

(6) recommend to the Congress appropriate measures to promote industrial innovation in materials and materials technologies;

(7) encourage cooperative materials research and problem-solving by—

(A) private corporations performing the same or related activities in materials industries; and

(B) Federal and State institutions having shared interests or objectives;

(8) assess Federal policies which adversely or positively affect all stages of the materials cycle, from exploration to final product recycling and disposal including but not limited to, financial assistance and tax policies for recycled and virgin sources of materials and make recommendations for equalizing any existing imbalances, or removing any impediments, which may be created by the application of Federal law and regulations to the market for materials; and

(9) assess the opportunities for the United States to promote cooperative multilateral and bilateral agreements for materials development in foreign nations for the purpose of increasing the reliability of materials supplies to the Nation.

## PROGRAM PLAN AND REPORT TO CONGRESS

SEC. 5. (a) Within 1 year after the date of enactment of this Act, the President shall submit to the Congress—

(1) a program plan to implement such

existing or prospective proposals and organizational structures within the executive branch as he finds necessary to carry out the provisions set forth in sections 3 and 4 of this Act. The plan shall include program and budget proposals and organizational structures providing for the following minimum elements:

(A) policy analysis and decision determination within the Executive Office of the President;

(B) continuing long-range analysis of materials use to meet national security, economic, industrial and social needs; the adequacy and stability of supplies; and the industrial and economic implications of supply shortages or disruptions;

(C) continuing private sector consultation in Federal materials programs; and

(D) interagency coordination at the level of the President's Cabinet;

(2) recommendations for the collection, analysis, and dissemination of information concerning domestic and international long-range materials demand, supply and needs, including consideration of the establishment of a separate materials information agency patterned after the Bureau of Labor Statistics; and

(3) recommendations for legislation and administrative initiatives necessary to reconcile policy conflicts and to establish programs and institutional structures necessary to achieve the goals of a national materials policy.

(b) In accordance with the provisions of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), the Director of the Office of Science and Technology Policy shall:

(1) through the Federal Coordinating Council for Science, Engineering, and Technology coordinate Federal materials research and development and related activities in accordance with the policies and objectives established in this Act;

(2) place special emphasis on the long-range assessment of national materials needs related to scientific and technological concerns and the research and development, Federal and private, necessary to meet those needs; and

(3) prepare an assessment of national materials needs related to scientific and technological changes over the next five years. Such assessment shall be revised on an annual basis. Where possible, the Director shall extend the assessment in ten- and twenty-five-year increments over the whole expected lifetime of such needs and technologies.

(c) The Secretary of Commerce, in consultation with the Federal Emergency Management Administration, the Secretary of the Interior, the Secretary of Defense, the Director of the Central Intelligence Agency, and such other members of the Cabinet as may be appropriate shall—

(1) within 3 months after the date of enactment of this Act, identify and submit to the Congress a specific materials needs case related to national security, economic well-being and industrial production which will be the subject of the report required by paragraph (2) of this subsection;

(2) within 1 year after the date of enactment of this Act, submit to the Congress a report which assesses critical materials needs in the case identified in paragraph (1) of this subsection, and which recommends programs that would assist in meeting such needs, including an assessment of economic stockpiles; and

(3) continually thereafter identify and assess additional cases, as necessary, to ensure an adequate and stable supply of materials to meet national security, economic well-being and industrial production needs.

(d) The Secretary of Defense, together with such other members of the Cabinet as

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it, 8 legislative days when we return on the 12th, which would give the Committee on Finance ample time to do whatever work we need to do with reference to the so-called superfund legislation.

I think it is a good agreement and I hope the Committee on Finance can report it prior to the 21st of November, but at least have it before the Senate before that date.

I thank the majority leader and the minority leader for their cooperation.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Kentucky (Mr. FORD).

#### TODD GIBBS: CYSTIC FIBROSIS POSTER REPRESENTATIVE

Mr. FORD. Mr. President, I was derelict in my duty last week in not entering a statement for the RECORD as it relates to the cystic fibrosis poster representative, the young man from my State named Todd Gibbs.

Mr. President, I would like to take this occasion, during "National Cystic Fibrosis Week," September 21-27, to extend a sincere message of appreciation to a very special member of my constituency, in the hope that he might serve as an inspiration to us all. He is a 15-year-old named Todd Gibbs, 1980 National Poster Representative for the Cystic Fibrosis Foundation. Todd was born with cystic fibrosis, a fatal, inherited disease that kills more young people each year in the United States than any other genetic disorder.

A number of my colleagues had the opportunity to meet Todd when he visited Washington earlier this year, and I know that they were as impressed with him as I was. I have recently learned that Todd has been named one of the 10 outstanding young men in Kentucky by the Kentucky Jaycees, quite an honor for someone still in high school.

Despite the rigors of living with CF, Todd has not let his handicap slow him down. Due to his slight build and breathing limitations, he is not able to play his favorite sport, basketball. But he is involved in the Allen County High School girls' varsity basketball team in the next best way—he is their trainer. And his career ambition is to be a coach.

Todd's activities do not stop at basketball. He was a little league shortstop, a page for the Kentucky House of Representatives, president of his student body, and is currently a member of his church choir, sophomore student council, and a number of clubs and organizations.

In so many ways, Todd is just an ordinary teenager. But in so many other ways, he is an extraordinary human being, because the more he does to protect his health, the more he values it—and his life ahead.

The Cystic Fibrosis Foundation, the leading voluntary health organization in the fight against cystic fibrosis, has pre-

pared an article describing what living with CF is like for Todd and the 20,000 to 30,000 other children and young adults with the disease. I bring this important information to the attention of my colleagues and ask unanimous consent that this article by the Cystic Fibrosis Foundation be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### FOR TODD GIBBS, AN APPLE A DAY DOES NOT KEEP THE DOCTOR AWAY

That's because Todd is no ordinary brown-eyed 15-year-old. He was born with cystic fibrosis (CF), a chronic degenerative disease that primarily attacks the lungs and digestive system. There currently is no cure or long-term control for CF, the number one genetic killer of young people in the United States.

As a result of thick, glue-like mucus which interferes with breathing and digestion, most CF patients have a chronic cough and appear undernourished despite having a normal appetite. In severe cases, additional problems may appear including clubbed (enlarged) fingertips, nasal polyps, repeated lung infections, shortness of breath, and all the other complications of chronic, obstructive lung disease.

Fortunately, Todd's CF has responded well to treatment the past few years, but he still must undergo a demanding daily regimen of treatment for the disease, and meets frequently with his doctor to evaluate his progress. Careful attention to Todd's health is vital, because even a bout with the common cold can result in a long recovery, interfering with school and other activities.

In addition to two or three daily sessions of respiratory therapy and inhalation of medicated vapors, Todd may cough frequently to defend his lungs against the harmful mucus accumulations which CF produces. But that cough does not spread "CF germs" which would cause others to develop the disease—CF is inherited, not caught.

Although scientists don't know what causes cystic fibrosis, they believe the defective genes for CF are passed on to the CF child by both parents (one gene from each parent). Although two carriers of this trait can pass it on to some of their children, the parents themselves show no symptoms of CF. An estimated 10 million Americans (one in twenty people) are symptomless carriers of the CF gene.

Todd's family has no known ancestral history of CF, but they do have a history of other respiratory problems, and Todd has an older first cousin with CF. Often called the "great masquerader" because it mimics other lung and digestive problems, cystic fibrosis is often misdiagnosed—a tragic fact because early diagnosis and treatment are keys to prolonged life.

As a child, Todd was sick off and on before his CF was diagnosed at age 5. His aunt had been saying that Todd "tasted salty" when she kissed him; at that time, she didn't know that a salty taste to the skin is one early sign of CF, which affects the body's sweat glands, too.

The Cystic Fibrosis Foundation, the nation's caretaker of CF programs, stresses public education programs in hopes of increasing early diagnoses and care. Many patients with CF—a disease once fatal in early childhood—now live into their twenties. But rarely do they live into their thirties, and half die before they leave their teens.

This knowledge of early death and the intensive care demanded by a person with CF—costing an average of \$10,000 a year for

a patient in otherwise good health—can pose severe emotional and financial burdens on the patient and family members.

For Todd Gibbs and the tens of thousands of young Americans who have CF, the only hope for a future lies in research to solve the riddle of CF and achieve the mission of the Cystic Fibrosis Foundation—to find the means for the prevention, control, and effective treatment of cystic fibrosis.

Mr. FORD. I thank the distinguished majority leader for yielding me the time.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Kentucky.

#### THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following Calendar Orders Nos. 967, 1076, 1010, 1101, 1106, and 1112.

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—the six calendar items identified by the majority leader are cleared on our side and we have no objection to their consideration and passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MILITARY PERSONNEL AND CIVILIAN EMPLOYEE CLAIMS

The PRESIDING OFFICER. The clerk will state the first bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6086), to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country, reported without amendment.

The Senate proceeded to consider the bill.

#### UP AMENDMENT NO. 1719

(Purpose: To provide certain benefits to the American hostages in Iran and to similarly situated individuals)

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk, an amendment by Mr. CHURCH and Mr. CULVER, and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), on behalf of Mr. CHURCH and Mr. CULVER, proposes an unprinted amendment numbered 1719.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, between lines 2 and 3, insert the following:

#### SHORT TITLE

SECTION 1. This Act may be cited as the "Military Personnel and Civilian Employee Claims and Hostage Relief Act of 1980".

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**TITLE I—MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS AMENDMENT TO THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964**

On page 1, line 3, strike out "That" and insert in lieu thereof "Sec. 101. The".

On page 4, line 3, strike out "Sec. 2." and insert in lieu thereof "Sec. 102.".

On page 4, after line 9, insert the following:

**TITLE II—SPECIAL PERSONNEL BENEFITS DEFINITIONS**

Sec. 201. For purposes of this title—

(1) The term "American hostage" means any individual who, while—

(A) in the civil service or the uniformed services of the United States, or

(B) a citizen or resident alien of the United States rendering personal service to the United States abroad similar to the service of a civil officer or employee of the United States (as determined by the Secretary of State),

is placed in a captive status during the hostage period.

(2) The term "hostage period" means the period beginning on November 4, 1979, and ending on the later of—

(A) the date the President specifies, by Executive order, as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, or

(B) January 1, 1983.

(3) The term "family member", when used with respect to any American hostage, means—

(A) any dependent (as defined in section 5561 of title 5, United States Code) of such hostage; and

(B) any member of the hostage's family or household (as determined under regulations which the Secretary of State shall prescribe)—

(4) The term "captive status" means a missing status arising because of a hostile action abroad—

(A) which is directed against the United States during the hostage period; and

(B) which is identified by the Secretary of State in the Federal Register.

(5) The term "missing status"—

(A) in the case of employees, has the meaning given it in section 5561(5) of title 5, United States Code;

(B) in the case of members of the uniformed services, has the meaning given it in section 551(2) of title 37, United States Code; and

(C) in the case of other individuals, has a similar meaning as that provided under such sections, as determined by the Secretary of State.

(6) The terms "pay and allowances", "employee", and "agency" have the meanings given to such terms in section 5561 of title 5, United States Code, and the terms "civil service", "uniformed services", and "armed forces" have the meanings given to such terms in section 2101 of such title 5.

**PAY AND ALLOWANCES MAY BE ALLOTTED TO SPECIAL SAVINGS FUND**

Sec. 202. (a) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any American hostage which are for pay periods during which the American hostage is in a captive status and which are not subject to an allotment under section 5563 of title 5, United States Code, under section 553 of title 37, United States Code, or under any other provision of law.

(b) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the

average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

(c) Amounts may be allotted to the savings fund from pay and allowances for any pay period ending after November 4, 1979, and before the establishment of the savings fund. Interest on amounts allotted from the pay and allowances for any such pay period shall be calculated as if the allotment had occurred at the end of the pay period.

(d) Amounts in the savings fund credited to any American hostage shall be considered as pay and allowances for purposes of section 5563 of title 5, United States Code, (or in the case of a member of the uniformed services, for purposes of section 553 of title 37, United States Code) and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

**MEDICAL AND HEALTH CARE AND RELATED EXPENSES**

Sec. 203. Under regulations prescribed by the President, the head of an agency may pay (by advancement or reimbursement) any individual who is an American hostage, or any family member of such an individual, for medical and health care, and other expenses related to such care, to the extent such care—

(1) is incident to that individual being an American hostage; and

(2) is not covered by insurance.

**EDUCATION AND TRAINING**

Sec. 204. (a) (1) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Except as provided in paragraph (3), payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs—

(A) after the ninetieth day after the date the individual is placed in a captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 12-week period following that date.

In order to respond to special circumstances, the President may specify a date for purposes of cessation of assistance under subparagraph (B) which is later than the date which would otherwise apply under subparagraph (B).

(3) In the event an American hostage dies and the death is incident to that individual being an American hostage, payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs after the date of death.

(4) The preceding provisions of this subsection shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38, United States Code.

(b) (1) In order to respond to special circumstances, the head of an agency may, under regulations prescribed by the President, pay (by advancement or reimbursement) an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other edu-

cational expenses, while attending an educational or training institution.

(2) Payments shall be available under this subsection for an American hostage for education or training which occurs—

(A) after the termination of such hostage's captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 12-week period following that date.

(c) Assistance under this section shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38, United States Code.

(d) In no event may assistance be provided under this section for any individual for a period in excess of 45 months (or the equivalent thereof in part-time education or training).

(e) Regulations prescribed by the President under this section shall provide that the program under this section be consistent with the assistance program under chapters 35 and 36 of title 38, United States Code.

**SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940**

Sec. 205. (a) Under regulations prescribed by the President, an American hostage is entitled to the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.), including the benefits provided by section 701 (50 U.S.C. App. 591) but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 (50 U.S.C. App. 514, 515, 516, 540 through 548, 561 through 572, and 574).

(b) In applying such Act for purposes of this section—

(1) the term "person in the military service" is deemed to include any such American hostage;

(2) the term "period of military service" is deemed to include the period during which such American hostage is in a captive status; and

(3) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed to be references to the Secretary of State.

(c) The preceding provisions of this section shall not apply with respect to any American hostage covered by such provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 by reason of being in the armed forces.

**APPLICABILITY TO COLOMBIAN HOSTAGE**

Sec. 206. Notwithstanding the requirements of section 201(1), for purposes of this title, Richard Starr of Edmonds, Washington, who, as a Peace Corps volunteer, was held captive in Colombia and released on or about February 10, 1980, shall be held and considered to be an American hostage placed in a captive status on November 4, 1979.

**EFFECTIVE DATE**

Sec. 207. The preceding provisions of this title shall take effect as of November 4, 1979.

**TITLE III—TREATMENT OF THE HOSTAGES IN IRAN****VISITS BY THE INTERNATIONAL RED CROSS**

Sec. 301. (a) The Congress finds that—

(1) the continued illegal and unjustified detention of the American hostages by the Government of Iran has resulted in the deterioration of relations between the United States and Iran; and



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(2) the protracted length and the conditions of their confinement have reportedly endangered the physical and mental well-being of the hostages.

(b) Therefore, it is the sense of the Congress that the President should make a formal request of the International Committee of the Red Cross to—

(1) make regular and periodic visits to the American hostages being held in Iran for the purpose of determining whether the hostages are being treated in a humane and decent manner and whether they are receiving proper medical attention;

(2) urge other countries to solicit the cooperation of the Government of Iran in the visits to the hostages by the International Committee of the Red Cross; and

(3) report to the United States its findings after each such visit.

Amend the title so as to read: "An Act to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evaluation of personnel from a foreign country and to provide certain benefits to the American hostages in Iran and to similarly situated individuals.

Mr. ROBERT C. BYRD. Mr President, I ask unanimous consent that statements by Messrs. CHURCH and CULVER be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. CHURCH. Mr. President, prior to the current outbreak of hostilities between Iran and Iraq, reports have indicated that some progress may have been forthcoming in the release of the Americans held hostage in Iran. It is certain, however, that these past months have been a great personal and financial strain for the hostages and their families. With these burdens in mind, on April 17, I introduced S. 2581 and S. 2582 as a package of legislation designed to provide tax, medical, educational, and legal relief for the hostages and the members of their families.

The first bill, S. 2582, and its House companion, H.R. 6086, have both been favorably reported by the Senate Judiciary Committee. Senators PELL, SARBANES, BAYH, COHEN, DURENBERGER, JAVITS, BAUCUS, LEVIN, MCGOVERN, and BIDEN have become cosponsors.

The purpose of this bill is straightforward. It would raise from \$15,000 to \$40,000 the amount of compensation for both military and civilian personnel who suffer losses resulting from violence against U.S. personnel abroad or who are evacuated from hostile territory overseas.

Americans overseas are generally unable to obtain insurance to cover the risks of evacuation. Insurance for damages arising from riots or acts of war is not readily available. Coverage for personal property abandoned by evacuees is virtually unobtainable.

For example, in the evacuation of Iran, while some Americans were able to get some or most of their belongings shipped out of the country, many were forced to leave with only one suitcase per evacuee.

Senators PELL, SARBANES, BAYH, COHEN, THURMOND, DURENBERGER, JAVITS, BAUCUS, LEVIN, MCGOVERN, BIDEN, DURKIN,

and BUMPERS have since joined as cosponsors of the second bill, S. 2581, which is the companion bill of H.R. 7085.

As passed by the House, this legislation would provide American hostages in Iran benefits essentially the same as those which were available to U.S. prisoners of war in Vietnam. The bill would apply to civilian employees of the U.S. Government, and, as appropriate, to other U.S. citizens. Benefits for military personnel in hostage situations are provided for by existing statutes.

Relief available under authority of H.R. 7085:

First. Establishes a savings program into which salaries of Government personnel being held hostage can be paid.

Second. Provides certain medical care not covered by insurance and limited education benefits for the hostages and their families.

Third. Extends the provisions of the Civil Relief Act now applicable to the members of the Armed Forces which would defer civil actions until the hostages are released.

Fourth. Exempts from income taxes compensation received for any month during which a Government employee is a hostage and provides total income tax exemption for an employee who dies as a result of his captivity.

Fifth. Clarifies the authority to allow the spouse of a hostage to file a joint income tax return and permits payment of taxes to be deferred until 180 days after the return of a hostage.

Sixth. Adds a sense of the Congress resolution urging regular visits be permitted to the hostages by the International Red Cross.

Because of the parliamentary situation on the Senate floor, the amendment which I am offering includes all the provisions of the bill as passed by the House except for the tax benefits. This title will have to be taken up another day.

Title I of the amendment makes certain technical corrections.

Title II of the amendment concerns special personnel benefits.

Section 201 contains definitions, an effective date of November 4, 1979, and a sunset provision on which the President determines that all Government employees and resident aliens who were held hostage in Iran have been returned or accounted for, or January 1, 1983.

Section 202 sets up a special interest-bearing savings fund into which the unallotted portion of a hostage's pay could be deposited. This fund would earn interest at a rate which is equal to the average rate paid on U.S. Treasury bills with 3-month maturities issued during the preceding calendar quarter. The interest be compounded quarterly.

Section 203 provides for the payment of medical and health care expenses—by advancement or reimbursement—and related expenses of the hostages and their families to the extent that they are not covered by medical insurance and that such treatment is related to an individual being an American hostage.

Section 204 provides educational and training benefits for the spouse or child of a hostage. The benefits would start after the 90th day an individual is placed

in a captive status and would stop at the end of any semester or quarter which began before the date on which the hostage ceased to be in a captive status. However, the President may, under special circumstances, extend the benefits for a longer period of time.

Section 204 also contains a provision that in the event an American hostage should die and the death is related to that individual being a hostage, payments will be made for the spouse or child for education or training after the date of death.

Another benefit in this section would provide education or training to a former hostage, under special circumstances. Such a benefit would be available under regulations prescribed by the President. They would not begin until after the end of the hostage's captive status and would be in effect for 10 years after that date, but the benefits themselves would not be in excess of 45 months or the part-time equivalent thereof.

Section 205 gives the hostages relief from any civil actions which may be taken against them during their captivity. It brings into effect certain provisions of the Soldiers' and Sailors' Civil Relief Act of 1940. The benefits provided by that act would prevent a hostage from being sued in a civil court until that individual is in a position to respond to the action.

Section 206 gives the benefits contained in H.R. 7085, as amended, to Richard Starr, who, as a Peace Corps volunteer, was held captive in Colombia and was released in February 1980. The benefits would begin as if he were in a captive status on November 4, 1979.

Section 207 provides an effective date of November 4, 1979, to title I of the legislation.

Title III of the amendment calls for the President to make a formal request of the International Red Cross to make regular and periodic visits to the hostages to determine whether they are being treated in a humane and decent manner and are receiving proper medical attention. It also states that the International Red Cross should urge other countries to ask for the cooperation of the Government of Iran to allow such visits and that the International Red Cross should report to the United States its findings after each visit.

Mr. President, although the pending bill with my amendment will not make the hostages and their families whole, it will bring a measure of relief. Much credit for the successful passage of the Hostage Relief Act should be given to the members of FLAG, the Family Liaison Action Group, who have worked diligently and intelligently on this legislation. All of us in the Senate, I am certain, fervently hope and pray that the hostages may soon be returned to their families.

Mr. President, I urge the passage of H.R. 6086, as amended.●

● Mr. CULVER. Mr. President, I rise to support the passage today of H.R. 6086, legislation which specifically attempts to provide assistance to those who have been directly affected by the hostage situation in Iran.

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H.R. 6086, which recently passed the Senate Judiciary Committee unanimously, serves to reimburse civilians and military personnel who have lost property in foreign countries as a result of evacuation or hostile acts directed against the U.S. Government.

Compensating these victims is necessary at least as a partial response to the tremendous property losses incurred by Americans in Iran, Pakistan, and Libya during the past 2 years. In some cases, personnel were evacuated from those countries with only a suitcase of belongings, leaving homes, cars, furniture, clothing, and all other family possessions behind. For the most part, these kinds of losses cannot be provided against adequately by commercial insurance policies.

In addition, I offer my strong support for an amendment by Senator CHURCH to H.R. 6086 which incorporates the Hostage Relief Act of 1980, H.R. 7085, as passed by the House of Representatives earlier this week.

The provisions incorporated from the House bill represent temporary measures addressing the most immediate needs of the hostages and their families. It mirrors legislation which the Congress adopted in the 1970's to assist POW's and their families in paying their medical bills, education costs, and protecting them from civil actions which may be taken against them during their captivity.

Finally, the amendment calls upon the President to make a formal request of the International Red Cross to make regular and periodic visits to the hostages to determine whether they are being treated in a humane and decent manner and are receiving proper medical attention.

Mr. President, in the 327 day of captivity for our innocent Americans being held captive in a country now rocked by war, H.R. 6086 represents an important signal from the Congress that we are willing to take decisive and responsible actions to support these valiant people and their families.●

## CONCERN FOR HOSTAGES IN IRAN

Mr. ROBERT C. BYRD. Mr. President, I am gratified that both the Senate and the House have been able to complete action on two important legislative measures relating to U.S. personnel being held hostage in Iran and their families here at home.

Yesterday, the Senate passed H.R. 7085 and earlier today, it approved H.R. 6086. Both measures have now been cleared for the President's signature.

H.R. 7085, the Hostage Relief Act of 1980, covers a number of important financial benefits for the hostages and their dependents. Among other things, it provides for medical costs, education and training costs, and tax relief. In addition, H.R. 6086 authorizes an increase from \$15,000 to \$40,000 in personal property claims by members of the armed services or civilian employees of the United States in connection with the evacuation of such personnel from an overseas port.

This legislative action makes it clear I believe, that Congress has not forgotten our hostages and has done its utmost to

relieve the material and financial hardships faced by their families and immediate relatives back home.

I know all of my colleagues join with me in expressing the hope that we could do more, particularly with respect to securing the safe release of those being held in Iran. If it were in our power, we would. In the meantime, and in recognition of the reality of the situation, I earnestly hope that the measures recently approved by the Senate will be seen as an expression of our ongoing concern for the hostages and for their loved ones.

I know the entire country shares this concern and prays for the day when the hostages will return home safe and sound.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (UP No. 1719) was agreed to.

## UP AMENDMENT NO. 1720

(Purpose: To provide for settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country)

Mr. BAKER. Mr. President, I send to the desk an amendment by the distinguished senior Senator from South Carolina and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) on behalf of Mr. THURMOND proposes an unprinted amendment numbered 1720.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 15, insert the following:

"Sec. 2. Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767, as amended; 31 U.S.C. 241), is amended as follows:

"(1) by striking out '\$15,000' in subsection (a)(1) and inserting in place thereof '\$25,000'.

"(2) by striking out '\$15,000' in subsection (b)(1) and inserting in place thereof '\$25,000'.

"Sec. 3. The amendments provided in section 2 of this Act shall apply to claims based upon damage to, or loss of, personal property which occurs after the date of the enactment."

Mr. BAKER. Mr. President, I ask unanimous consent that a statement by Senator THURMOND be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. THURMOND. Mr. President, I send to the desk an amendment to the pending bill, H.R. 6086, which would amend the Military Personnel and Civilian Employees Claims Act of 1964. This law grants authority for all Federal agencies of the Government to settle up to \$15,000 for personal property losses suffered by Government personnel incident to their service.

When this law was first passed in 1964, it provided for a settlement figure of up to \$6,500. In later years, and most recently in 1974, that figure was periodically raised to its current level of \$15,000. The regulations implementing the present statute do not provide for the repayment for all property loss and it is clear that the statute and relevant regulations do not provide the equivalent of full insurance on all property subject to loss or damage.

Mr. President, under this law the property for which a claim of damage or loss, is made must have a "reasonable relevance to the service and activity" of the employee or military member in the performance of his or her duties. Depreciation is deducted consistent with insurance industry standards to arrive at the true value of items claimed. Substantiation of personnel claims is an absolute requirement, and all the military services have well-defined, uniform procedures and trained legal staffs with years of experience settling these claims. In short, claims made under these provisions are subject to close scrutiny, as they should be.

Mr. President, as I have indicated, this claims statute is not intended to be a substitute for full insurance of personal property by civilian and military personnel. More comprehensive insurance can be purchased, of course, by Government personnel from any commercial insurance carrier. Unfortunately, because of the current low levels of pay for military personnel, for example, additional insurance for personal property damage or loss is an added expense that most servicemen often decide they can do without. As a result, many military personnel, especially enlisted personnel, are not adequately insured and must rely on the claims statute if accidental loss or damage to personal property occurs.

My amendment simply raises the ceiling on the amount that can be settled by the Government from \$15,000 to \$25,000. This increase reflects an adjustment for inflation since 1974. Again, any claim must be solidly proved, regardless of amount and the \$25,000 ceiling is only a limit on what can be settled by the Government.

Because the Government cannot generally be sued for any damages beyond that amount, a number of private claim bills have been introduced in the Congress for losses suffered by Government personnel in excess of the present \$15,000 limit. Partly due to these private claim bills, several of which have been before the Senate Judiciary Committee, I have considered this change in the Military Personnel and Civilian Employees Claims Act to be an appropriate one.

Mr. President, I have been advised that this amendment will not result in any substantial increase in the amounts paid out annually for the settlement of these claims. It is estimated that Governmentwide it would be less than \$1 million a year. Although that is a lot of money, it is an expense that I believe Congress can justify, particularly in behalf of our military and civilian personnel.

Mr. President, I urge the adoption of the amendment.●

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Mr. DOLE. Mr. President, I have a statement in support of the amendment of the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. President, the Senator from Kansas supports the bill presently before the Senate. The present law sets a limit of \$15,000 on the compensation which can be paid to civilian employees and military personnel who have lost property in foreign countries as a result of evacuation or hostile acts. Yet such losses are often considerable. Indeed, as a result of the recent turbulent events in Iran, Pakistan, and Libya, many families have lost all their belongings. Quite obviously, \$15,000 does not reflect anywhere near the replacement costs which these families must bear.

Therefore, it seems imperative to this Senator that the limit in the current law be raised. This bill raises that limit to \$40,000, which is not an exorbitant sum. The Congressional Budget Office estimates that this bill will add an expense in 1981 of \$832,000. This is a small figure when compared to the total annual net Department of Defense claims administration and reimbursement budget, which averages \$57.5 million.

## THE UNADDRESSED PROBLEM

Mr. President, having stated the merits of this bill, we cannot be blind to what it is we are doing. This bill is a remedy; it is an effort to compensate certain of our citizens for losses which took place beyond our shores. But this bill is in no way a corrective measure. The events which produced the need for this legislation were not beyond our control, but were the direct and obvious consequences of the policies we have followed in the last several years. It is appropriate therefore that our Government compensate these losses for which it was in large measure responsible.

The American people, and certainly this Senator, are outraged by the officially sanctioned terrorism, the violations of international law, and the simple indecencies that have been visited upon our fellow citizens and their property in many corners of the world.

Such actions must be stopped and the escalation of such activities must be prevented. The only way that can be done is if the nations of the world are completely confident of the fact that the United States will exact a heavy price for terrorism and lawlessness directed against its citizens and their property. This must be a basic and overriding goal for our foreign policy.

This is a matter of such grave and immediate concern that our consideration of it must not, and does not, fall along partisan lines. The Senator from Kansas appreciates that many of his colleagues in the Senate on both sides of the aisle share his apprehension about our foreign affairs.

Only by our resolve, only by standing firmly behind our own interests and values can we hope to survive in the world with those interests and values intact. This is the obvious lesson of history and of responsible statecraft. We must not act rashly, yet we must not embrace policies that announce to the whole world that there is little, if anything

that we consider to be of such value that it is worth fighting for. Yet, while unarmed Polish workers defy the Soviet empire, we, one of the most powerful nations in the world, order the Marine guards at our Embassy in Tehran not to fire at attacking terrorists. Such policies do not promote peace, but merely invite hostile acts against us.

When a government fails to protect its citizens, or to even make a serious effort to protect its citizens, it abandons one of the basic duties it owes to its citizens and thereby undermines the respect and allegiance its citizens owe to it. Other activities of the Government are superfluous when the Government does not preserve the physical security of its citizens and their property.

Our response to the situation in Iran has grave implications for the future safety of our diplomatic personnel.

As a partial remedy, this Senator, joined by Senators HEPLIN, LUGAR, COHEN, SCHMITT, BOREN, and ARMSTRONG, was going to propose one of two amendments to H.R. 6086. We have decided not to propose one of these amendments due to the recent delicate political developments in Iran and to the fact that we have put ourselves in a corner where the release of the hostages now seems dependent on the whim of the Iranians.

Furthermore, we were advised that H.R. 6086 would simply not be brought up if the second amendment would be proposed. Not wanting to jeopardize the interests of the families who would benefit from this bill in a game of political chicken, we decided not to offer the second amendment.

But make no mistake about it. The sponsors of both of these amendments continue to believe them to be meritorious. The issues that these amendments addressed will remain with us, and sooner or later we must confront them. Simply put, the consequences of allowing other nations to violate with impunity their treaties with us and to disregard their responsibilities under international law, are most serious, promise to become more dangerous, and cannot be controlled solely by concern for immediate goals, such as the release of our hostages.

## THE AMENDMENTS

Mr. President, the first amendment that we were to propose provided for the transfer of the Iranian assets, blocked by Presidential order last November, to the Federal Government to set up a fund from which payments would have been made to the hostages or their families according to a set formula. The remainder of the assets was to be used to pay damages which may be awarded to the hostages or to others by the courts. In addition, the Federal courts would have been given exclusive jurisdiction over tort and contract claims against the Iranians.

One main purpose of this amendment was obviously to compensate the hostages and their families in some way for their ordeal.

But in addition, by preserving the bulk of the assets to satisfy court judgments, the amendment attempted to insure compensation for the millions of dollars of claims by Americans generated by other

Iranian actions taken in clear violation of treaty provisions and international law, such as the nationalization of broad segments of the Iranian economy. Such a move would not only have been within the power of Congress, but under international law would have been legitimate self-help by the United States following a failure to get redress through conventional means.

Of course, the unblocking of these assets is being demanded by Iran as a condition for the release of the hostages. Without debating now the merits of using these assets as "bargaining chips," it is obvious that the amendment we were to have proposed would have foreclosed that option, which many consider to be an acceptable step. Consequently, we decided not to offer that amendment at this time.

The second proposal did not affect the blocked assets, or even take punitive action against Iran. Rather, it attempted to give American citizens in the future some access to the Federal courts to seek compensation for injuries inflicted by foreign governments. To do this, the amendment corrected deficiencies in the Foreign Sovereign Immunities Act.

For example, the hostages in Iran probably have no right under existing law to sue Iran in our courts for its actions against them because the Foreign Sovereign Immunities Act only allows such lawsuits where torts are committed in the United States. This amendment would have expanded Federal jurisdiction to torts committed in whole or in part in U.S. diplomatic missions and consulates, and to torts committed elsewhere when international law is violated and the aggrieved party is a U.S. national.

Furthermore, though the International Court of Justice has held that the United States is entitled to recover money from Iran for the injuries done to the hostages, such a judgment can be enforced only by the U.N. Security Council, where the U.S.S.R. has a veto. To cure this difficulty, the amendment would have allowed the Federal courts to enforce decisions of the International Court of Justice and international arbitration awards.

Finally, U.S. investment abroad is frequently, and increasingly, subject to expropriation without effective compensation or redress. Such expropriation has recently occurred in Iran on a massive scale. Therefore, the amendment we were to propose would have given the Federal courts jurisdiction over lawsuits based on uncompensated expropriations in violation of international law.

Mr. President, for the Record, I ask unanimous consent that this amendment be printed at this point in my remarks.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

On page 4, after line 9, insert the following:

SEC. 3. Chapter 97 of title 28, United States Code, is amended—

(1) by adding at the end of section 1603, the following:

"(f) A 'national of the United States' means—

"(A) a natural person who is a citizen of the United States, or

"(B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity";

(2) by inserting in section 1605(a)(1) after "implication" a comma and the following: "including as provided in subsection (c)";

(3) by striking out in section 1605(a)(5) "occurring in the United States" and inserting in lieu thereof the following: "occurring in whole or in part in the United States, within the premises of a diplomatic or consular mission of the United States, or elsewhere if in violation of international law and if the aggrieved party is a national of the United States";

(4) by adding at the end of section 1605(a) the following:

"(6) not otherwise provided for in paragraph (3), in which the action is based upon a taking of property of a national of the United States without the payment of prompt, adequate, and effective compensation required by international law or otherwise in violation of international law.

"(7) in which the United States seeks recognition and enforcement of a judgment for money rendered by the International Court of Justice.";

(5) by adding at the end of section 1605 the following:

"(c) For purposes of subsection (a) (1), an agreement by a foreign state to submit to arbitration shall be deemed a waiver of immunity with respect to any proceeding to confirm an arbitral award resulting from such agreement.";

(6) by striking out in section 1606 "except for an agency or instrumentality thereof shall not be liable for punitive damages" and inserting in lieu thereof "other than an agency of instrumentality thereof shall not be liable for punitive damages except to the extent provided under international law";

(7) by amending section 1610—

(A) by inserting in subsection (a) (1) after "implication" a comma and the following: "including as provided in subsection (e)";

(B) by striking out the period at the end of subsection (a) and inserting in lieu thereof a comma and "or";

(C) by adding at the end of subsection (a) the following:

"(6) the execution relates to a judgment obtained pursuant to paragraph (5), (6), or (7) of section 1605 (a).";

(D) by striking out in subsection (b) (2) "or (5)" and inserting in lieu thereof "(5), or (6)"; and

(E) by adding at the end thereof the following:

"(e) For purposes of subsection (a) (1), an agreement by a foreign state to submit to arbitration shall be deemed a waiver of immunity with respect to attachment in aid of execution or with respect to execution, relating to a judgment entered on an arbitral award.";

(8) by adding at the end thereof the following:

"§ 1612. Judgments for money rendered by the International Court of Justice

"On complaint of the United States, the district courts of the United States shall recognize and enforce any judgment for money rendered by the International Court of Justice."; and

(9) by inserting at the end of the table of sections for chapter 97 the following item:

"1612. Judgments for money rendered by the International Court of Justice."

Mr. DOLE. Though this amendment did not take direct actions against Iran, the sponsors of it concluded that it was a responsible step in light of not only our experience in Iran, but also considering the prospects for future lawlessness in the international arena. By expanding jurisdiction to essentially permit the Federal courts to remedy violations of international law in certain circumstances, these sorts of controversies would in the first instance be considered in a primarily legal, rather than political, forum. Damages awarded by the courts could not be seen as punitive political or diplomatic maneuvers consciously taken as a matter of national policy.

Thus even when we are injured, law and calm deliberation, rather than uncertain vacillation or impetuous aggressiveness, would be the order of the day. Individual citizens could vindicate their rights even when their Government cannot, or will not, do so.

In sum, Mr. President, these questions will not fade with the passage of this legislation. Foreign terrorists, nations unconcerned by the dictates of law, and other adversaries will not let us ignore such problems. We must, sooner or later, take responsible action to protect our interests in the future.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 1720) was agreed to.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and, as amended, was passed.

Mr. ROBERT C. BYRD. Mr. President, let the record show that I called up the bill on behalf of Mr. KENNEDY.

Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ORDER TO INDEFINITELY POSTPONE CALENDAR ORDER NO. 966

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 966 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RESOLUTION TO WAIVE CONGRESSIONAL BUDGET ACT

The resolution (S. Res. 515) to waive section 402(a) of the Budget Act with respect to the consideration of H.R. 4084, authorizing funds for fiscal year 1981 for the Suisun Marsh, Calif., was considered and agreed to, as follows:

Resolved, That section 402(a) of the Congressional Budget Act of 1974 is waived with respect to the consideration of H.R. 4084. The legislation, which was unanimously approved by the Environment and Public Works Committee on March 24, 1980, ad-

resses the problem of salt water intrusion in the Suisun Marsh area in the State of California.

The bill recognizes that the Federal Government's Central Valley project contributes to the deterioration of the marsh and authorizes the Secretary of the Interior to share 50 per centum of the costs (\$2,500,000) of the initial mitigation facilities under construction by the State.

The Senate Energy Committee, to which H.R. 4084 was jointly referred, approved it on June 3. Therefore, a budget waiver is requested for consideration of fiscal year 1981 funding.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### SUISUN MARSH PRESERVATION AND RESTORATION ACT OF 1979

The Senate proceeded to consider the bill (H.R. 4084) to provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California, which had been reported from the Committee on Energy and Natural Resources with amendments as follows:

On page 2, line 19, strike "of the Bureau".

On page 3, line 9, strike "Bureau of Reclamation" and insert "Water and Power Resources Service";

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ENERGY EFFICIENT COOLING

The Senate proceeded to consider the resolution (S. Res. 460) to express the sense of the Senate that the Secretary of Energy should take all necessary actions to promote energy efficient cooling, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

Strike out all after the resolving clause, and insert the following:

Resolved, That it is the sense of the Senate that the President should take appropriate actions to coordinate Federal departments and agencies, including the General Services Administration, the Department of Defense, the Department of Transportation, the Department of the Treasury, the Department of Energy, the Environmental Protection Agency, and all other relevant agencies and departments in establishing a program to encourage the use of energy efficient alternatives for cooling. Such programs may include such tax incentives as are permitted under and are consistent with existing law, Federal procurement policies, research, development, and demonstration programs, and programs to make such information and the structure of these Federal programs available to the various States.